

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 31950 of 2007(C)

AS.151/2006 of ADDL.DISTRICT COURT, MAVELIKKARA
EP 56/06 IN OS.57/2000 of MUNSIFF COURT, HARIPAD
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PETITIONER:

SAUDAMINI, AGED 53 YEARS,
D/O. MEENAKSHY AMMA THEVALAPPURATHU,
THULAMPARAMBU NADUVATHUM MURI,
HARIPPAD VILLAGE, KARTHIKAPPALLY TALUK.

BY ADV. SRI.SUDHEENDRAN. K.Y.
SRI.N.ASHOK KUMAR

RESPONDENT:

ANNAMMA, AGED 48 YEARS,
W/O. XAVIER, AMALA BHAVAN, THATTARAMBALAM,
P.O. KANNAMANGALAM VILLAGE,
MAVELIKARA
PIN 689 508.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26/10/2007 , THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.31950 of 2007

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Dated this the 26th day of October, 2007.

JUDGMENT

This Writ Petition is filed seeking a direction to the Additional District Court, Mavelikara to hear the stay petition, I.A.No.1135 of 2006 in A.S.No.151 of 2006 and to stay further proceedings in E.P.No.56 of 2006 in O.S.No.57 of 2000 on the file of the Munsiff's Court, Harippad. Plaintiff in the suit is the writ petitioner herein. There is a suit for injunction and a counter claim was filed by the defendants. The counter claim was allowed and the suit was dismissed and it is against that decision an appeal has been preferred. The delay was condoned and the stay application is posted for hearing. If the delivery is effected before the disposal of the stay application, it will cause hardship to the writ petitioner and therefore prays to stay the execution till an order is passed in the stay application. The writ petitioner has sought to move the court for appropriate relief and interest

of justice demands that delivery is to be deferred till a decision is taken on the stay application in the appeal suit.

2. Therefore, the Writ Petition is disposed of directing the Additional District Court, Mavelikkara to hear and dispose of I.A.No.1135 of 2006 in A.S.No.151 of 2006 within a period of four weeks from today and I direct the Munsiff, Harippad to defer the delivery of the property for a period of one month from today.

M.N.Krishnan,
Judge.

ess 26/10